

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

INTERNATIONAL DEVELOPMENT CORPORATION,)	
)	
Plaintiff,)	CIVIL ACTION NO. _____
)	
v.)	JUDGE _____
)	
SWN PRODUCTION COMPANY, LLC,)	MAG. JUDGE _____
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant SWN Production Company, LLC, by and through its undersigned counsel, hereby gives notice that this action is removed from the Court of Common Pleas of Lycoming County, Pennsylvania, where it was docketed at case number CV-2019-00640-WM. The grounds for removal are set forth below.

Proceedings In State Court:

1. Plaintiff initiated this action via a Writ of Summons issued on April 22, 2019. *See* Exhibit A for a true and correct copy of the filed Writ of Summons.
2. On September 16, 2022, the Court of Common Pleas of Lycoming County issued a Notice of Proposed Termination of Court Case. *See* Exhibit B for a true and correct copy of the filed Notice.

3. On October 17, 2022, Plaintiff filed a Statement of Intention to Proceed Pursuant to Pa.R.C.P. 230.2. *See Exhibit C* for a true and correct copy of the filed Statement.

4. On July 3, 2023, the Court of Common Pleas of Lycoming County issued a Notice of Proposed Termination of Court Case. *See Exhibit D* for a true and correct copy of the filed Notice.

5. On July 28, 2023, Plaintiff filed a Statement of Intention to Proceed Pursuant to Pa.R.C.P. 230.2. *See Exhibit E* for a true and correct copy of the filed Statement.

6. On August 9, 2023, the Court of Common Pleas of Lycoming County issued an Order setting the case for a Status Conference on September 15, 2023. *See Exhibit F* for a true and correct copy of the filed Order.

7. On August 22, 2023, counsel for Defendant SWN Production Company, LLC entered his appearance in state court via a Praecipe to Enter Appearance. *See Exhibit G* for a true and correct copy of the filed Praecipe.

8. On September 15, 2023, the Court of Common Pleas of Lycoming County issued an Order continuing the Status Conference to November 14, 2023, with a notation that the Status Conference would be cancelled if Plaintiff filed a complaint prior to that date. *See Exhibit H* for a true and correct copy of the filed Order.

9. On November 13, 2023, Plaintiff filed a Complaint in the Court of Common Pleas of Lycoming County. *See* Exhibit I for a true and correct copy of the filed Complaint, with exhibits.

10. On November 14, 2023, the Court of Common Pleas of Lycoming County issued an Order continuing the Status Conference, then-scheduled for November 14, 2023, to June 6, 2024. *See* Exhibit J for a true and correct copy of the filed Order.

11. Plaintiff's counsel mailed the Complaint to counsel for Defendant SWN Production Company, LLC via U.S. Mail on November 13, 2023. *See* Exhibit I, p. 13.

12. A copy of the Docket Sheet from the Court of Common Pleas of Lycoming County for the state court matter is attached as Exhibit K.

Basis For Removal:

13. Diversity jurisdiction provides a basis for removal to this Court. *See* 28 U.S.C. §§ 1332; 1441(b); 1446.

14. Upon information and belief, Plaintiff International Development Corporation is a citizen of Maryland because, when this action was commenced, it was incorporated in Maryland and its principal place of business was in Maryland.

15. Diversity jurisdiction is determined at the time the state court action is commenced. *See, e.g., Midlantic Nat. Bank v. Hansen*, 48 F.3d 693, 696 (3d Cir. 1995) (citing *Smith v. Sperling*, 354 U.S. 91, 93 n.1 (1957)); *Bellezza v. Duffy*, 2020 WL 5414761, at *2 (M.D. Pa. Sep. 9, 2020) (Mariani, J.) (“Events subsequent to the filing of an action, such as a change in a party’s citizenship, do not defeat diversity jurisdiction if such jurisdiction existed at the commencement of the case.”) (citing *Smith v. Sperling*, 354 U.S. 91, 93 n.1 (1957)).

16. In Pennsylvania, a Writ of Summons is the commencement of an action. *See, e.g., Pa.R.Civ.P. 1007(1)*.

17. Defendant SWN Production Company, LLC is a limited liability company.

18. The citizenship of partnerships and other incorporated associations, such as a limited liability corporation (“LLC”), is determined by the citizenship of its partners or members. Where an LLC has as one of its members another LLC, the citizenship of such unincorporated associations must be traced through however many layers of partners or members there may be. *See Zambelli Fireworks Mfg. Co., Inc., v. Wood*, 592 F.3d 412, 420 (3d Cir. 2010).

19. SWN Production Company, LLC has one member – Southwestern Energy Company.

20. Southwestern Energy Company is a Delaware corporation with its principal place of business in Texas.

21. Thus, for diversity purposes, Southwestern Energy Company is a citizen of Delaware and Texas. *See id.*

22. Therefore, also for diversity purposes, SWN Production Company, LLC is a citizen of Delaware and Texas. *See id.*

23. The Plaintiff is a citizen of Maryland and Defendant is a citizen of Delaware and Texas.

24. Diversity of citizenship exists.

25. While SWN Production denies any liability, upon information and belief, the amount in controversy exceeds the jurisdictional requirement of \$75,000, exclusive of costs and interest.

26. In the Complaint, Plaintiff claims, among other things, that “[o]ver sustained periods of time (years)”, it has been underpaid royalties on hundreds of acres of oil and gas rights. *See Exhibit I, Complaint, ¶¶16, 28.*

27. Accordingly, diversity jurisdiction exists, and this action has been removed properly.

28. As SWN Production Company, LLC is the only defendant, all defendants who have been joined and served join in or consent to the removal of this case to federal court. *See* 28 U.S.C. § 1446(b)(2)(A).

29. Copies of all pleadings in the state court are attached to this notice as required by 28 U.S.C. § 1446. *See* Exhibits A-K.

30. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit was pending is located within this district.

31. Written notice of the filing of this Notice of Removal is being given to the adverse party in accordance with 28 U.S.C. § 1446(d), as noted in the attached Certificate of Service.

32. Promptly after filing with this Honorable Court, a copy of this Notice of Removal will be filed with the Court of Common Pleas of Lycoming County, Pennsylvania in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, notice is given that this action has been removed to this Court.

Respectfully submitted:

Dated: December 13, 2023

/s/ Carolyn B. McGee
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